

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RUPERT GREEN,

Plaintiff,

- against -

**NOTICE OF MOTION TO
DISMISS**
17-CV-7414 (AT) (GWG)

THE NEW YORK CITY DEPARTMENT OF
EDUCATION, CARMEN FARINA, Former
Chancellor, Sued Individually and Officially,

Defendants.

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PLEASE TAKE NOTICE that upon the Declaration of Assistant Corporation Counsel Shaina Wood, dated February 4, 2019, the exhibit attached thereto, and the Memorandum of law in Support of Defendants' Motion to Dismiss the Complaint, and upon all the papers and proceedings previously had herein, Defendants the Board of Education for the City School District of the City of New York, operating as the New York City Department of Education ("DOE"), and former DOE Chancellor Carmen Fariña, will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, before the Honorable Analisa Torres, United States District Judge, on a date and time to be decided by the Court for a judgement, pursuant to Rule 12(b)(6), dismissing the Complaint against Defendants on the grounds that: (1) Plaintiff's claims are barred in whole or in part by the doctrines of collateral estoppel, and (2) the remainder of Plaintiff's claims must be dismissed for failure to state a claim.

Dated: New York, New York
February 4, 2019

ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street
New York, New York 10007
(212) 356-2440

By: /s/ **Shaina Wood**
Shaina Wood
Assistant Corporation Counsel

TO: **Rupert Green** (by ECF, E-mail, & first class mail)
Plaintiff *Pro Se*
205-26 113th Avenue
St. Albans, NY 11412